

REGULAR MEETING of the Town Council held on Wednesday, October 13, 2004 at 7:00 o'clock P.M. in the Burrillville High School Auditorium, 425 East Avenue, Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

1. Council President Wallace F. Lees requested a moment of silence in memory of Carlton Brown, who served as town treasurer for thirty-seven years. After the moment of silence, Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held September 22, 2004 and the public hearing held September 22, 2004 and dispense with the reading of said minutes.

Motion by Councilor Louis Bleiweis. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

3. Public Comment:

Bill Rossi of Brook Road, Harrisville, commented on an article in The Woonsocket Call that discussed the cancellation of an administrative meeting relative to a National Guard proposal to use land at Buck Hill for Black Hawk helicopter training operations. Mr. Rossi objected to the town manager's cancellation of the meeting.

Kevin Blais of Tarkiln Road, Harrisville objected to the town manager's conduct towards himself and another resident. Additionally, Mr. Blais suggested that the Council vote on July 28, 2004 indicated to him that the Town Council might act to the detriment of the town. Mr. Blais commended Councilor William E. Gonyea for his support of the residents.

Michael C. Wood, Town Manager, stated that events have been misrepresented and said that he relied upon residents to recognize the positive actions of the Town Council and administration. He briefly elaborated on his responsibilities as town manager.

Linda Green of Tarkiln Road, Harrisville commented that, despite Mr. Wood's assertion that residents are welcome in his office, Mr. Wood refuses to meet with her or Kevin Blais. Ms. Green discussed attendance at meetings as a source of information and her understanding that administrative meetings must be open to the public, under the open meeting act. Michael C. Wood explained that

administrative meetings are not open to the public and acknowledged that he does not meet with Mr. Blais due to previous, unproductive encounters.

Dorothy Sliney of Mapleville spoke of the receptive, helpful attitude of the town manager and town clerk. She suggested that there might be some misunderstanding of the role and responsibilities of the town manager. Walter J. Kane, Town Solicitor, explained that meetings of the town manager and individuals who he invites are not public meetings. Mr. Kane briefly elaborated on the applicability of the open meeting act on public bodies. Mr. Blais contradicted the manager's assessment and Michael C. Wood, Town Manager, clarified his position relative to administrative meetings.

4. General Good and Welfare of the Town of Burrillville.

Councilor Edward F. Bonczek was congratulated on his 65th birthday.

5. Petitions: None

6. Special Business:

04-279 VOTED to open the proclamation honoring Sergeant Guy Riendeau, Patrolman Albert Carlow and the entire Burrillville Police Department.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor

William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Discussion: Council President Wallace F. Lees asked Colonel Bernard E. Gannon, Chief of Police, Sergeant Guy Riendeau and Patrolman Albert Carlow to come to the stage, followed by the other police officers. Council President read the following proclamation:

**BURRILLVILLE TOWN COUNCIL
PROCLAMATION**

WHEREAS, the increase and frequency of narcotic arrests, along with the information compiled from various sources, indicated an alarming increase in illicit drug activities; and

WHEREAS, the prevalent marijuana use by teenagers, and identifying their supplier, became a primary concern to the Burrillville Police Department; and

WHEREAS, in June 2004, Sergeant Guy Riendeau and Patrolman Albert Carlow were relieved of their patrol assignments and detailed to gain intelligence, cultivate informants and arrest those responsible for the distribution of illegal drugs in Burrillville; and

WHEREAS, Sergeant Guy Riendeau and Patrolman Albert Carlow conducted a proficient and commendable undercover investigation that resulted in nine arrests, close to \$4,000 and over sixteen pounds

**of marijuana confiscated, with a street value in excess of \$75,000; and
WHEREAS, the arrests resulted in the apprehension of those
supplying marijuana to high school students and young adults,
thereby removing over sixteen pounds of high grade marijuana from
our community; and**

**WHEREAS, the investigation conducted by Sergeant Riendeau and
Patrolman Carlow, along with the assistance and information
contributed by members of the department, is typical and reflective of
the professionalism and high standards of the Burrillville police
Department.**

**NOW, THEREFORE, BE IT RESOLVED that we, the Town Council of
the Town of Burrillville and its citizens do recognize the
accomplishments of Sergeant Guy Riendeau and Patrolman Albert
Carlow and commend them for the successful completion of this
outstanding investigation; and**

**BE IT FURTHER RESOLVED that we, the Town Council of the Town of
Burrillville, do hereby recognize and commend the entire Burrillville
Police Department for their diligence in identifying and skillfully
addressing this matter of serious concern to the Citizens of the Town
of Burrillville.**

**04-280 VOTED to grant an entertainment license to Between The
Cracks to apply at The Assembly Theatre on October 21, 22 and 23,
2004.**

Motion by Councilor Louis Bleiweis. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-281 VOTED to grant an entertainment license to the Downtown Pascoag & Neighborhood Association to apply at various locations in the downtown Pascoag area.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

7. Unfinished Business:

04-237 VOTED to receive and file the correspondence regarding a meeting with RIPTA regarding the proposal to reduce public transportation to the Town of Burrillville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F.

Bonczek, Ronald E. Faford and William E. Gonyea.

8. New Business:

04-282 Correspondence from Michael C. Wood, Town Manager, regarding the National Guard proposal to use land at Buck Hill for Black Hawk helicopter training operations.

Council President Wallace F. Lees entertained a motion not to support the project.

MOTION not to support the project by Councilor Ronald E. Faford. Seconded by Councilors William A. Andrews and William E. Gonyea.

Discussion: Council President Wallace F. Lees indicated that the Council had received a letter from Gary “Squeaky” Patterson. He asked Mr. Patterson to address the Council.

Gary “Squeaky” Patterson provided a copy of a petition signed by 45 residents who oppose the helicopter training program at Buck Hill. Mr. Patterson, who represented Citizens for a Peaceful Forest, asked for the Town Council’s support in preserving the peace of the Buck Hill woods. He reviewed the National Guard’s plan, described the concerns for the wildlife in the area, raised the question of safety and spoke at some length about the environmental issues.

Senator Paul Fogarty reviewed his correspondence regarding the proposed helicopter training areas at Buck Hill and Durfee Hill in Glocester, recognizing the noise and safety hazards. Senator Fogarty said the National Guard is currently gathering information on seven proposed sites, with the goal of identifying the best site. Senator Fogarty said that, while he recognized that training is necessary somewhere within the state, he did not support the use of Buck Hill or Durfee Hill.

Ethel Merrill of Jackson Schoolhouse Road opposed the proposal and asked whether abutting communities in Connecticut and Massachusetts had been notified. Mrs. Merrill raised concerns over transportation and storage of fuel, the impact on the environment, and noise issues. Mrs. Merrill questioned the state seeking additional open space through a 2004 bond referendum while considering giving away open space land through this proposal.

Debra Vincoli of Buck Hill Road spoke of the beauty of the Buck Hill area. Ms. Vincoli was concerned for the many horses in the area, which are easily startled by wildlife, and suggested that helicopters would be a much more disturbing force. She was concerned for the safety of riders.

Debra Vincoli further commented that she had spoken with Col. Gareau of the National Guard and reported several details conveyed to her by Col. Gareau. Since D.E.M. had identified the proposed sites,

Ms. Vincoli suggested that objections should be sent to them, as well.

Ms. Vincoli discussed concerns with noise and the possibility of troops training on the ground. Ms. Vincoli spoke of her military experience, spoke in support of the military, but suggested that Buck Hill would not be an appropriate area for necessary training.

Nancy Schmeltz of East Wallum Lake Road identified herself as an environmentally conscious resident. She maintained that there are other serious issues that disturb and destroy Pascoag's ecosystem. While Ms. Schmeltz supported addressing concerns before Black Hawk helicopters land at Buck Hill, she also supported allowing the training sites. Ms. Schmeltz spoke of the importance of acting in support of the armed forces, stating that she looked forward to seeing the training take place so that the troops are prepared to serve their country.

Denise Soter of Buck Hill Road spoke of the importance of maintaining the recreational area. Ms. Soter discussed the importance of training in an environment similar to the intended use and suggested that Buck Hill would be inappropriate. Ms. Soter raised many questions, including the effect on property values, the possibility of accidents, the possible cost for emergency services and the threat to the water.

Michael C. Wood, Town Manager, described the information gathering

process and suggested that it is the responsibility of the community to provide information to the National Guard. Richard A. Aubin of Harrisville suggested that, rather than a petition, many individual letters should be sent to the National Guard. He also suggested that the National Guard should be asked to meet with the public. Mr. Wood indicated that the National Guard had agreed to meet with residents and suggested that the community's many concerns should be conveyed beforehand so that they can be completely addressed.

Dorothy Sliney of Mapleville asked whether the National Guard could take property by eminent domain for these purposes. Walter J. Kane, Town Solicitor, said that the state owns the land and there would be no need to take it. Mr. Kane briefly discussed the legal requirements that the National Guard must meet before moving forward and reaffirmed the importance of residents demonstrating possible impact. Mr. Kane pointed out that public hearings must be scheduled to review the result of the impact study.

Ethel Merrill asked whether this proposal would violate the zoning law and establish a precedent for future airports. Walter J. Kane, Town Solicitor, indicated that the federal government and National Guard would not be bound by local zoning laws and that no precedent would be set.

Debra Vincoli of Buck Hill Road discussed the notice sent to abutters, suggesting that EA Engineering should put additional effort into

notifying residents. Ms. Vincoli asked whether town officials had met with the National Guard and asked for information from that meeting. Michael C. Wood, Town Manager, indicated that, in his meeting with the National Guard, many questions were left unanswered and that there was insufficient information to support the proposal from a public safety position.

Amanda Soter of Buck Hill Road spoke of the recreational aspects of the area and the advantages to young residents to have the sanctuary. She reiterated the importance of hiking, horseback riding and the wildlife in the area.

Robin Bondeson of Croff Road also spoke of the importance of maintaining the recreation area, the impact helicopters would have on the horses and the possibility of noise disturbance.

Rebecca Guilbault, who works at the Pondview Equestrian Center, described the Equestrian Center and spoke of the impact this proposal would have on the business. Ms. Guilbault spoke of the impact on the centers' horses ridden by clients, business that could be lost if clients choose to do business elsewhere and possible increased insurance costs.

Michael C. Wood, Town Manager, added to his previous comments, saying that the National Guard has been alerted to the proximity of Zambarano Hospital, Buck Hill Campground and the Feinstein Camp.

Mr. Wood also indicated that establishment of this proposal would restrict hunting in the area. Mr. Wood also voiced concerns about access to the area by emergency equipment.

Alan Henry indicated that the National Guard has an appropriate location on Oxford Road, North Smithfield. He suggested it would be a more appropriate site.

Wayne Barber of Main Street and Hamlet Street discussed the potential loss to his business because he sells hunting and fishing licenses. He discussed the long history of wildlife management, the potential affect on the lakes and significance of the wild life/wild turkey restoration program. Mr. Barber suggested that the Town require a \$100,000,000 escrow account before training operations were established in the Buck Hill area.

Kevin Blais of Tarkiln Road discussed concerns with transportation and storage of fuel. Mr. Blais recalled problems with water in Pascoag and suggested that locating a fuel depot in Buck Hill could result in more severe problems. Michael C. Wood, Town Manager, pointed out that, while it might be prudent to consider this possibility, a fuel depot is not part of the present proposal. He briefly reviewed the current proposal.

Pauline Ryan of Buck Hill Road raised concerns about the wells in the area.

Council President Wallace F. Lees called for a vote. The motion carried by unanimous vote. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-283 VOTED to receive and open the correspondence from Sandra P. Mundy, Director, Jesse M. Smith Memorial Library, regarding the Board of Trustees request to make a presentation on the new library project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Council President Wallace F. Lees called a brief recess at 8:20 P.M. The meeting resumed at 8:30 P.M.

Discussion: Alan Chuman of the Jesse M. Smith Memorial Library briefly discussed the purpose of the presentation, which was to review the proposed plans for the library, which people would be voting on November 2, 2004. Mr. Chuman discussed the seven-year process, during which the need for the library was established. Mr. Chuman said that the board was pleased with the Stillwater location

and reviewed the many uses for a library and discussed the expected 50 percent state reimbursement. Finally, Mr. Chuman announced an open house at the library on October 26, 2004.

Jay Litman of Newport Collaborative introduced Pam Redfern of Newport Collaborative and Scott Monroe of Gates Leighton, who had contributed to the design. He made a Power Point® presentation that exhibited the proposed facility. Mr. Litman discussed the unique location on the water and the suitability of the plan to the Stillwater Master Plan. Mr. Litman discussed the history of the area and the complement of the building design to that history.

Mr. Litman discussed the involvement of a professional library planner, working with the librarian and staff and public input in designing the 23,000 square foot facility. Slides were displayed illustrating the development stages and focusing on the planned river walk.

Mr. Litman showed slides illustrating the features of the first floor, which included a community meeting center that would seat 130 people, a 50 seat meeting room, and a kitchen. This area but could be shut off from the library, enabling their use for community functions even if the library was closed. The first floor would also have restrooms, janitorial space and a café area, he said. He explained the design in some detail and discussed the space for the library collection, local history collections, a river lounge, as well as areas

for seating, circulation, quiet study, young adults, computer training and non-print media.

Mr. Litman described the second floor which would include the children's library, discussing the river view from this area. The second floor, he said, would also include a program room for arts and crafts or other special programs, a young reader area, a computer area, and study space.

Mr. Litman described the exterior of the building, with a concourse that would provide access to the water and the river walk. The design includes outside areas that would be suitable for public events. He displayed and explained the exterior views, which included brick, stone and glass. He reviewed the intent to fit this proposal with the Stillwater Master Plan.

Mr. Litman discussed the standard procedure of hiring an architect in the early stages of planning a library project. Mr. Litman explained the steps necessary to qualify for the state reimbursement of a library project, which included hiring a planner and an architect to develop schematic plans. Neither the state nor philanthropic organizations would consider funding library projects until they have seen a plan, understand the intent of the project and confirm that the plan meets their standards.

In response to a question about the cost, Mr. Litman indicated that

the bond would be for \$5,000,000. Approximately a half-million dollars would be for the site, with \$4,500,000 for the project. This would not be cost to the town because the project should qualify for the up-to fifty percent state reimbursement, he said. Additionally, he said, there might be other funds available, such as from The Champlin Foundation, that would further decrease the cost to the town.

Dorothy Sliney asked about the town's current indebtedness and the affordability of the project. She asked whether it would be possible to build a multi-function structure that could house a town building, library and police department.

Michael C. Wood, Town Manager, said that, if the library were to be approved by the voters, the overall objective would be to move some town hall offices to the current library site, which could also be used for storage area. Additionally, the library would provide community and meeting space. This proposal would be less costly than a large multi-function building, he said.

Michael C. Wood, Town Manager, discussed the preliminary financial analysis. According to Mr. Wood, theoretically the project is affordable, if the voters decide that they want to afford it. He expanded briefly on these matters.

In response to a question about the state reimbursement, Michael C. Wood, Town Manager, read the letter from the Office of Library &

Information Services to the Jesse M. Smith Library regarding the eligibility of the project, a copy of which is on file with the record of the minutes. In part, the letter indicated that “this project would be eligible for public library construction reimbursement funding under Rhode Island General Law 29-6-6”. Discussion of funding, the use of bonds, and the affordability of the project were further discussed.

In conclusion, Michael C. Wood, Town Manager, thanked the library committee and the administrative committee for their efforts in getting this project before the voters. He acknowledged the hard work and commended all those involved. He also thanked Jay Litman of The Newport Collaborative for his efforts and for the presentation.

VOTED to receive and file.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-284 VOTED to receive and file the correspondence from Richard E. Peck, President, Burrillville Allied Veterans Council, requesting permission to conduct its 8th Annual Memorial Parade on Sunday, May 22, 2005.

Motion by Councilor Louis Bleiweis. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-285 VOTED to adopt a resolution authorizing the Town Council President to execute a License Agreement by and between Northwest Community Health Care and the Town, which will grant the Town a license to construct a riverwalk on the property of Northwest Community Health.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-286 VOTED to receive and open the correspondence from William Guertin, Triple "F" Flying Club, regarding their request for a flying site on the former Town landfill.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Discussion: William Guertin of Triple "F" Flying Club, briefly addressed the Town Council about the activities of the club. He discussed the difficulty using the areas behind the Middle School and Steere Farm Elementary, due to other activities. Mr. Guertin reviewed details about the club and their request, as outline in his letter, which is on file with the record of the meeting.

VOTED to grant permission to the Triple "F" Flying Club to use the property at the former landfill located off Route 102 as a site to fly remote control airplanes.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

04-287 VOTED to receive and open the correspondence from James Daniels, Site Manager, Clarkin Property Management Company, Agent for Maplehill Mobile Home Park, regarding their request for help in construction of a retaining wall on Cooper Hill Road.

Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Discussion: James Daniels, Site Manager, Clarkin Property Management Company, Agent for Maplehill Mobile Home Park, spoke relative to their request for the town's assistance in constructing a retaining wall on Cooper Hill Road. Mr. Daniels said that they had some money available but that funds would be lost if the project did not begin before the end of the year. Mr. Daniels asked for a Town Council letter of commitment to complete the work if the funds were to be used for engineering and materials. He described the project briefly.

Councilor Louis Bleiweis asked about the cost to the town. Mr. Daniels could not specify the amount, saying it would be the cost of labor. Councilor Edward F. Bonczek suggested that the matter should be referred to the manager. Michael C. Wood, Town Manager, suggested that if the Town Council were interested in pursuing the project, the Department of Public Works could provide and estimate at the next meeting.

VOTED to refer to the manager and return the item to the agenda in two weeks.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Louis Bleiweis. The motion was unanimous. Voting in favor of the motion

were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Further discussion: There was general discussion of the need for and benefits of improvements to the retaining wall and the need to have additional information to make a sound decision.

04-288 VOTED to receive and open the correspondence from John P. Mainville, Finance Director, regarding the possible awarding of bids.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

Discussion: John P. Mainville discussed the revised memo dated October 13, 2004. Mr. Mainville reviewed each item that had been bid and briefly discussed the recommendations.

VOTED to award the bid for a 25kw Diesel Generator to Superior Power Equipment, Attleboro, MA, at a cost of \$14,380.

Motion by Councilor Louis Bleiweis. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the

motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

VOTED to reject the bids for Stainless Steel Spreaders (2) and rebid this item.

Motion by Councilor Louis Bleiweis. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

VOTED to award the installation of a heating system in the DPW garage to Carter Bros., Inc., in the amount of \$20,000.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

VOTED to award the bid for replacement air handlers/ductwork (police) to Kaflin Oil Co., Inc. in the amount of \$21,345; \$8,460 to come from the capital budget; \$13,000 to come from the undesignated, unreserved fund.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

Further Discussion: John P. Mainville, Director of Finance, explained that recommendations on the following items had been amended because one of the bidders had withdrawn their original bid and given a higher bid.

VOTED to award the purchase of gasoline to Reichert & Sons Fuel Oil, Inc. at the cost of \$.0979 per gallon over the low tank car price – Providence port.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

VOTED to award the purchase of diesel fuel oil to Reichert & Sons Fuel Oil, Inc. at the cost of \$.0979 per gallon over the low tank car price – Providence port.

Motion by Councilor Louis Bleiweis. Seconded by Councilor Jacqueline Zahn. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

VOTED to award the purchase of #2 fuel oil to Martini Oil Inc. at the cost of \$.07681 per gallon over the low tank car price – Providence port.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-289 VOTED to declare surplus one Cub Cadet Tractor that had been used at Spring Lake Beach, as requested by Cheri R. Hall, Director of Parks & Recreation.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-290 VOTED to refer to the Screening Subcommittee the correspondence from Cheri R. Hall, Director of Parks & Recreation, regarding a vacancy on the Burrillville Extended Care Board of Directors.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-291 VOTED to receive with regret the correspondence from Thomas R. Humphrey regarding his resignation from the Redevelopment Agency; and to refer to the screening subcommittee

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-292 VOTED to receive and open the correspondence from Wallace F. Lees, Chairman, Board of Administration, Burrillville Town Buildings, regarding the make-up of the Board.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor

William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

Discussion: Councilor Jacqueline Zahn indicated that the request was for Councilor Ronald E. Faford to fill the position vacated by Councilor Louis Bleiweis and that there would remain one vacant position. Councilor Zahn asked for clarification of the make up of the board. Council President Wallace F. Lees said that Councilor Faford would replace Councilor Bleiweis, Nancy Faford would step down because she has served the maximum term allowed and there are two other members of the board who will complete their terms. Walter J. Kane, Town Solicitor, said he would provide further details of the mandated make up of the board.

VOTED to support the appointment of Mr. Faford and to refer the vacancy to the screening subcommittee.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-293 VOTED to read the following ordinance by title and schedule a

public hearing for Wednesday, October 27, 2004 at 7:00 P.M.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF BURRILLVILLE, RHODE ISLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

The Town Council of the Town of Burrillville hereby ordains:

Section 1. The Code entitled “Revised General Ordinances, Town of Burrillville, Rhode Island,” published by Municipal Code Corporation, consisting of chapters 1 through 30, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 23, 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 and cost of

prosecution or by imprisonment not exceeding 30 days or by both such fine and imprisonment and/or by restitution in cases involving property damage or personal injury in an amount up to \$2,500.00 and/or by voluntary community service for not more than ten days for any one offense, unless other penalties therefore or penalties within other limits, are specially prescribed by state statute. Each act or violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after June 23, 2004, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon passage.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The vote was unanimous. Voting in favor of the

motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

9. Town Clerk/Communication:

04-294 VOTED to receive and file the correspondence from the State of Rhode Island Statewide Planning Program regarding the submission of the Five-Year Update of the Local Comprehensive Plan.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-295 VOTED to receive and file the correspondence from Senator Jack Reed, acknowledging the Town Council resolution in support of the Arthritis Prevention, Control and Cure Act of 2004.

Motion by Councilor Louis Bleiweis. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-296 VOTED to receive and file the correspondence from Sharon Lane, Rhode Island Association of the Deaf, acknowledging the Town Council proclamation designating Deaf Awareness Week.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-297 VOTED to support the Glocester Town Council resolution in support of the Open Space and Recreation Bond.

Motion by Councilor William E Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-298 VOTED to support the Narragansett Town Council resolution in support of the Open Space and Recreation Bond.

Motion by Councilor Louis Bleiweis. Seconded by Councilor Ronald E. Faford. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline

Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-299 VOTED to support the Jamestown Town Council resolution in support of the Open Space and Recreation Bond.

Motion by Councilor William E. Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-300 VOTED to receive and file the correspondence from Charles A. Horbert, Permitting Supervisor, D.E.M. regarding insignificant alteration permit – application #04-056.

Motion by Councilor William E. Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-301 VOTED to receive and file the correspondence from, Martin D. Wencek, Permitting Supervisor, D.E.M. regarding insignificant alteration permit – application #04-0377.

Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-302 VOTED to receive and file the correspondence from Charles A. Horbert, Permitting Supervisor, D.E.M. regarding insignificant alteration permit – application #04-0384.

Motion by Councilor William E. Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-303 VOTED to receive and file the correspondence from Charles A. Horbert, Permitting Supervisor, D.E.M. regarding insignificant alteration permit – application #04-0440.

Motion by Councilor William E. Gonyea. Seconded by Councilor Louis Bleiweis. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

04-304 VOTED to receive and open the notice from DEM of the application of Richard Kullander, 445 Beach Avenue, Warwick, requesting permission to alter freshwater wetlands in the Town of Burrillville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

Discussion: The Town Council had received comments from resident David Brunetti regarding this notice. Councilor Jacqueline Zahn pointed out that the Town Council approves or disapproves applications but suggested that the Town Council should forward Mr. Brunetti's concerns to DEM.

VOTED to forward to the manager.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, William E. Gonyea and Ronald E. Faford.

10. Additional New Business:

04-305 Request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for discussions or considerations related to the acquisition, sale and exchange of real property and §42-46-5(a)(2) for discussions pertaining to IBPO collective bargaining.

Note: The request was withdrawn.

12. VOTED to adjourn at 10:15 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Louis Bleiweis, Edward F. Bonczek, Ronald E. Faford and William E. Gonyea.

The meeting was taped. The tape is on file with the minutes.

Louise R. Phaneuf, Town Clerk